

to the conference report to accompany H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, clearing the measure for the President.

Pages S12287–91

National Defense Authorization—Agreement: A unanimous-consent agreement was reached providing for further consideration S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces at 9:30 a.m. on Friday, November 4, 2005, pursuant to the order of Wednesday, October 26, 2005; provided further, that on Friday, November 4, 2005, and Monday, November 7, 2005, amendments may be offered, debated, and then set aside with the time reserved for use at a later time.

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Messages From the House: **Page S12352**

Measures Read First Time: **Page S12352**

Executive Communications: **Pages S12352–53**

Executive Reports of Committees: **Page S12353**

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Additional Statements: **Pages S12350–52**

Amendments Submitted: **Pages S12359–71**

Authorities for Committees to Meet: **Page S12371**

Privileges of the Floor: **Page S12371**

Record Votes: Twenty-two record votes were taken today. (Total—303) **Pages S12290–91, S12291, S12294, S12301–02, S12302, S12303, S12305, S12306, S12307, S12308, S12309, S12310–11, S12313, S12314, S12319, S12321, S12323, S12325, S12345**

Adjournment: Senate convened at 9 a.m., and as a further mark of respect to the memory of the late Henry Kuʻualoha Giugni, in accordance with S. Res. 300, adjourned at 6:40 p.m., until 9:30 a.m., on Friday,

November 4, 2005. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S12373–74.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nominations of Matthew Slaughter, of New Hampshire, and Katherine Baicker, of New Hampshire, each to be a Member of the Council of Economic Advisers, Orlando J. Cabrera, of Florida, to be Assistant Secretary of Housing and Urban Development, and Gigi Hyland, of Virginia, and Rodney E. Hood, of North Carolina, each to be a Member of the National Credit Union Administration Board.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1699, to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks, with an amendment;

S. 1095, to amend chapter 113 of title 18, United States Code, to clarify the prohibition on the trafficking in goods or services, with an amendment in the nature of a substitute; and

The nominations of Wan J. Kim, of Maryland, to be Assistant Attorney General, Civil Rights Division, Steven G. Bradbury, of Maryland, to be Assistant Attorney General for the Office of Legal Counsel, Sue Ellen Wooldridge, of Virginia, to be Assistant Attorney General, Environment and Natural Resources Division, and Thomas O. Barnett, of Virginia, to be Assistant Attorney General, Antitrust Division, all of the Department of Justice.

Also, Committee began consideration of H.R. 683, to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment, but did not complete action thereon, and recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 13 public bills, H.R. 4217–4229; 1 private bill, H.R.

4230; and 2 resolutions, H. Res. 531, 533, were introduced. **Pages H9640–41**

Additional Cosponsors: **Pages H9641–42**

Reports Filed: Reports were filed today as follows:

Supplemental report on H.R. 4128, to protect private property rights (H. Rept. 109–262, Pt. 2);

H.R. 3508, to authorize improvements in the operation of the government of the District of Columbia, with an amendment (H. Rept. 109–267);

H.R. 923, to amend title 39, United States Code, to provide for free mailing privileges for personal correspondence and parcels sent by family members from within the United States to members of the Armed Forces serving on active duty in Iraq or Afghanistan, with amendments (Rept. 109–268);

H. Res. 488, requesting that the President transmit to the House of Representatives information in his possession relating to contracts for services or construction related to Hurricane Katrina recovery (Rept. 109–269); and H. Res. 532, waiving points of order against the conference report to accompany the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006 (Rept. 109–270).

Page H9640

Speaker: Read a letter from the Speaker wherein he appointed Representative Miller of Michigan to act as Speaker pro tempore for today.

Page H9557

Chaplain: The prayer was offered today by Rev. Ronnie Mitchell, Sr., Pastor, Bethel African Methodist Episcopal Church, Spokane, Washington.

Page H9557

Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2006—Motion to go to Conference: The House disagreed to the Senate amendment and agreed to a conference on H.R. 2528, to make appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006.

Page H9562

The House agreed to the Obey motion to instruct conferees by voice vote after agreeing to order the previous question.

Pages H9562–66

Representative Pelosi Question of Privilege: The Chair ruled that the resolution offered by Representative Pelosi did not constitute a question of the privileges of the House. Agreed to table the motion to appeal the ruling of the Chair by a yea-and-nay vote of 220 yeas to 191 nays, Roll No. 562.

Pages H9566–68

Appointed as Conferees on H.R. 2528: Representatives Messrs. Walsh, Aderholt, Mrs. Northup, Messrs. Simpson, Crenshaw, Young of Florida, Kirk, Rehberg, Carter, Lewis of California, Edwards, Farr, Boyd, Bishop of Georgia, Price of North Carolina, Cramer, and Obey.

Page H9568

Coast Guard and Maritime Transportation Act of 2005—Motion to go to Conference: The House

disagreed to the Senate amendment and agreed to a conference on H.R. 889, to authorize appropriations for the Coast Guard for fiscal year 2006, to make technical corrections to various laws administered by the Coast Guard.

Pages H9568–69

The House agreed to the Oberstar motion to instruct conferees by voice vote after agreeing to order the previous question.

Pages H9568–69

Later, the Chair appointed the following Members of the House to the conference committee on the bill: from the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. Young of Alaska, LoBiondo, Coble, Hoekstra, Simmons, Mario Diaz-Balart of Florida, Boustany, Oberstar, Filner, Taylor of Mississippi, Higgins and Ms. Schwartz of Pennsylvania.

Page H9605

From the Committee on Energy and Commerce, for consideration of sec. 408 of the House bill, and modifications committed to conference: Messrs. Barton of Texas, Gillmor, and Dingell.

Page H9605

From the Committee on Homeland Security, for consideration of secs. 101, 404, 413, and 424 of the House bill, and secs. 202, 207, 215, and 302 of the Senate amendment, and modifications committed to conference: Messrs. Daniel E. Lungren of California, Reichert, and Thompson of Mississippi.

Page H9605

From the Committee on Resources, for consideration of secs. 426, 427, and title V of the House bill, and modifications committed to conference: Messrs. Pombo, Jones of North Carolina, and Pallone.

Page H9605

Recess: The House recessed at 12:14 p.m. and reconvened at 2 p.m.

Page H9569

Private Property Rights Protection Act of 2005: The House passed H.R. 4128, to protect private property rights, by a yea-and-nay vote of 376 yeas to 38 nays, Roll No. 568.

Pages H9569–H9605

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read.

Pages H9589–90

Agreed to:

Sensenbrenner Manager's amendment (No. 1 printed in H. Rept. 109–266) that makes clear that private roads that are open to the public, free or by toll, and flood control facilities, are covered under the exceptions to the bill. Also includes a savings clause making clear that nothing in the legislation shall be construed to affect the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (which requires the Federal government

to pay the displacement costs of those adversely affected by the Federal government's exercise of eminent domain). Also incorporates into the bill's Sense of Congress section some language provided by the Resources Committee regarding the effect of the abuse of eminent domain on irrigation and reclamation projects, and on public lands; **Pages H9590-91**

Sodrel amendment (No. 4 printed in H. Rept. 109-266) which clarifies that in any proceeding to prevent or remedy a taking, that the burden is on the state or agency to show that it is not for economic development as defined in the Act. Also requires a heightened standard of proof—clear and convincing—that the use fits one of the exceptions to economic development as defined in the Act;

Page H9592

Miller of California amendment (No. 7 printed in H. Rept. 109-266) which adds language to specify that the term economic development in the bill does not include the redevelopment of brownfield sites. Uses the definition of brownfield site included in the Small Business Liability Relief and Brownfield Revitalization Act;

Pages H9595-97

Gingrey amendment (No. 8 printed in H. Rept. 109-266) which adds a new section to prohibit a State or political subdivision of a State from the exercise of eminent domain over the property of a religious or other nonprofit organization by reason of the nonprofit or tax-exempt status of such organization if that State or political subdivision received Federal economic development funds during any fiscal year in which it does so. This amendment also places the same prohibition on the Federal government. A violation of this provision will render the State or political subdivision ineligible to receive Federal economic development funds for a period of 2 fiscal years;

Pages H9597-98

Cuellar amendment (No. 9 printed in H. Rept. 109-266) which ensures that all Federal agencies review their regulations and procedures for compliance with this Act. It requires a report to the Attorney General; and

Pages H9598-99

Jackson-Lee of Texas amendment (No. 10 printed in H. Rept. 109-266) that expresses the legislative intent to protect from the taking by the Federal government for economic development or for private use of the property owned, either by assignment, intestate succession, or by record, by survivors of Hurricane Katrina.

Pages H9599-H9600

Rejected:

Nadler amendment (No. 2 printed in H. Rept. 109-266) that sought to allow a property owner to go to court before the property is taken in order to obtain declaratory or injunctive relief if the taking violates the Act. The bill currently only allows a property owner to obtain a preliminary injunction or

temporary restraining order, and does not allow the property owner to bring an action until after the conclusion of the condemnation proceedings. The amendment would also strike the penalties portion of the bill, (by a recorded vote of 63 ayes to 355 noes, Roll No. 564);

Pages H9591-92, H9601-02

Moran of Virginia amendment (No. 5 printed in H. Rept. 109-266) which sought to clarify the property conveyance for the definition of "economic development," specifies that increasing tax revenue must be the "primary purpose" of the taking authority, and sets a hard date of seven years that property holders can bring action against the taking authority. Also makes a number of technical corrections, (by a recorded vote of 49 ayes to 368 noes, Roll No. 565);

Pages H9592-94, H9602

Turner amendment (No. 6 printed in H. Rept. 109-266) that sought to enumerate several harmful uses of land which constitute a threat to public health and safety (i.e. dilapidation, obsolescence, overcrowding, lack of ventilation, light, and sanitary facilities, excessive land coverage, deleterious land use, obsolete subdivisions or constitutes a brownfield), (by a recorded vote of 56 ayes to 357 noes, Roll No. 566); and

Pages H9594-95, H9602-03

Watt amendment (No. 11 printed in H. Rept. 109-266) that sought to delete all sections of the bill and retains only the sense of Congress recognizing the importance of property rights and that in the aftermath of the Kelo decision that abuses of eminent domain power may occur, (by a recorded vote of 44 ayes to 371 noes, Roll No. 567).

Pages H9600-01, H9603-04

The amendment in the nature of a substitute, as amended, was adopted.

Page H9604

H. Res. 527, the rule providing for consideration of the bill was agreed to by a yea-and-nay vote of 401 yeas to 11 nays, Roll No. 563, after agreeing to order the previous question without objection.

Pages H9560-62, H9568

Senate Message: Message received from the Senate today appears on page H9569.

Quorum Calls—Votes: Three yea-and-nay votes and 4 recorded votes developed during the proceedings of today and appear on pages H9567, H9568, H9601-02, H9602, H9602-03, H9603-04, and H9604. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:19 p.m.

Committee Meetings

YOUR TROOPS: THEIR STORY

Committee on Armed Services: Held a hearing on Your Troops: Their Story. Testimony was heard from the